

Attorney Docket No.: **BERN0073US.NP**
Inventors: **Eric F. Bernstein**
Serial No.: **10/541,348**
Filing Date: **September 26, 2005**
Page 3

REMARKS

Claims 1-10 are pending in the instant application. Claims 3-10 have been withdrawn from consideration by the Examiner and subsequently canceled without prejudice by Applicant. Claims 1 and 2 have been rejected. Claim 1 has been amended. Support for this amendment is provided by claim 2, now canceled. No new matter is added. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Finality of Restriction Requirement

The Restriction Requirement mailed October 1, 2008 has been made final. Accordingly, Applicant has canceled without prejudice nonelected claims 3-10. Applicant reserves the right to file a divisional application to the canceled subject matter.

II. Rejection of Claims 1-2 under 35 U.S.C. 112, first paragraph

Claims 1-2 have been rejected under 35 U.S.C. 112, first paragraph. The Examiner has acknowledged the specification to be enabling for the treatment of cataracts, macular degeneration and glaucoma. However, the Examiner suggests that the specification is not enabling for treatment of all ocular disease.

Attorney Docket No.: **BERN0073US.NP**
Inventors: **Eric F. Bernstein**
Serial No.: **10/541,348**
Filing Date: **September 26, 2005**
Page 4

It is respectfully pointed out that claim 1 has been amended to be drawn to a method of treating glaucoma which is acknowledged by the Examiner to be enabled. Claim 2 has been canceled in light of the amendments to claim 1.

Withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 1-2 under 35 U.S.C. 102(b)

Claims 1-2 have been rejected under 35 U.S.C. 102(b) as being anticipated by Zigler et al. (WO 97/26879). The Examiner suggests that Zigler et al. teaches use of hydroxylamine compound (nitroxide) for the treatment of cataracts.

It is respectfully pointed out that claim 1 has been amended to be drawn to a method of treating glaucoma. Claim 2 has been canceled in light of the amendments to claim 1.

Zigler et al. does not teach treatment of glaucoma. Accordingly, this reference cannot anticipate the instant claimed invention.

Withdrawal of this rejection under 35 U.S.C.102(b) is respectfully requested.

IV. Rejection of Claims 1-2 under 35 U.S.C. 102(e)

Claims 1-2 have been rejected under 35 U.S.C. 102(e) as being anticipated by Matier et al. (U.S. Patent Pub. 2004/0002461. The Examiner suggests that Matier et al.

Attorney Docket No.: **BERN0073US.NP**
Inventors: **Eric F. Bernstein**
Serial No.: **10/541,348**
Filing Date: **September 26, 2005**
Page 5

teaches the use of hydroxylamine compound (nitroxides) for the treatment of cataracts or macular degeneration.

It is respectfully pointed out that claim 1 has been amended to be drawn to a method of treating glaucoma. Claim 2 has been canceled in light of the amendments to claim 1.

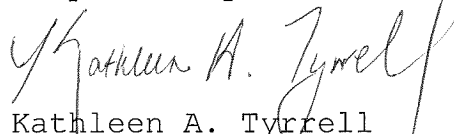
Matier et al. does not teach treatment of glaucoma. Accordingly, this reference cannot anticipate the instant claimed invention.

Withdrawal of this rejection under 35 U.S.C.102(e) is respectfully requested.

V. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


Kathleen A. Tyrrell
Registration No. 38,350

Date: **March 13, 2009**

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515